

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. )  
DAVID PURCELL, )  
Defendant. )  
Case No. 3:21-cr-30150-DWD

**MEMORANDUM & ORDER**

**DUGAN, District Judge:**

Before the Court is Defendant's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821 ("Motion") (Docs. 57 & 59). The Government does not oppose the Motion. (Doc. 61).

The parties agree Defendant is eligible for a reduction of sentence under Part A of Amendment 821, which amended U.S.S.G. § 4A1.1(e) and concerns criminal history points awarded because a defendant was under a criminal sentence when he committed his offense of conviction (“status points”). Here, under the retroactive amendment to § 4A1.1, Defendant’s criminal history category is reduced from III to II, resulting in a lower advisory guideline range of 97 to 121 months of imprisonment. (Docs. 59 & 61). Defendant notes these calculations accord with the U.S. Probation Office’s calculations. (Doc. 59). In light of the lower advisory guideline range, the parties agree a sentence reduction from 108 months of imprisonment to 97 months of imprisonment is proper. (Docs. 54, 59, 61). The Court agrees for the reasons set forth in the Motion and Response.

Accordingly, the Court **GRANTS** the Motion (Docs. 57 & 59) and **REDUCES** Defendant's sentence from 108 months of imprisonment to 97 months of imprisonment on both Counts I and II, to run concurrently, effective February 1, 2024. The Court attaches its standard order (AO Form 247) to reflect this sentence reduction. All other terms of the judgment, dated July 7, 2022, shall remain unchanged. (Doc. 54).

**SO ORDERED.**

Dated: January 8, 2024

*s/ David W. Dugan*

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DAVID W. DUGAN  
United States District Judge